



# Strengthening Ethiopian parliament: Challenges and prospects

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## ABSTRACT

In Ethiopia, the parliament is the highest political body. As a result, the FDRE constitution recognizes parliament as supreme organ of the federal government of Ethiopia. Evidence, however, suggests that the Ethiopian parliament did not sufficiently utilize its own powers within the confines of the FDRE constitution. Ethiopia's parliament still has not adequately exercised its powers. The aim of this paper was to explore the factors that pose challenges to the Ethiopian parliament's strengthening. The study integrated a descriptive research design with qualitative research methodology to achieve its desired goals. The needed data was obtained from various pertinent documents and extensively examined. The study's findings showed that Ethiopia's parliament is not doing a good enough job of exercising the legislative powers given to it under the FDRE constitution. The study also identified significant obstacles that prevent the Ethiopian parliament from carrying out its duties effectively, including party centralism, executive organ domination, systematic difficulties, the nation's political history and lack of individual accountability. The study should also include the existing prospects to improve the performance of the parliament. Therefore, legislation is required to alter the dynamic between the executive and the parliament as well as the party and the legislative body. A careful selection of candidates is required, which means choosing them based on their merits rather than party loyalty, in order to empower the members of the Ethiopian parliament. It is also advised that the state's organs, particularly the executive, refrain from frequently violating its constitutional rights.

**Keywords:** Challenge, Democracy, Strengthening, Parliament, Prospect

## INTRODUCTION

Numerous sources indicates that, parliamentary democracy's theory and practice had their roots in Europe. By and large, it is currently a common practice throughout Ethiopia and all other African countries' territories. Astonishingly, in the Ethiopian political system, the three government organs' power was primarily held by the monarch during the time of Haile Selassie (1931–1974), by a single person during the military government (Derg) (1974–1991), and by party and executive organs during the rule of the EPRDF. However, according to Articles 55, 77, and 79 of the constitution, the Federal Democratic Republic of Ethiopia's constitution explicitly outlined the division of power between the parliament, the executive, and the judicial branches. More precisely, the House of Federation and the House of People Representative (HPR) make up the legislative branch; the

HPR is the subject of this study. In this study, members of parliament also refer to members of the House of People Representative. Ethiopia has experienced institutions in the past that have not fully embraced parliamentary democracy. To begin with the first constitution in the history of Ethiopia by the Emperor Haile Selassie I.

Emperor Haile Selassie I ratified the first modern constitution in 1931. Three branches of government were established under the constitution, including a bicameral parliament with 30 senators and 60 representatives. Everyone has the right to self-government through representative government, according to the Universal Declaration of Human Rights (UDHR), which was adopted in 1948. On the other hand, the parliament lacked the power to exert on its own under the rule of Emperor Haile Selassie. The 1931 gave the emperor supreme political power or the real power of the state

resides with the emperor. As a result, the members of the chamber of deputies, who were also chosen by the aristocracy and local chiefs, were appointed by the emperor to the senates from among princes, ministers, judges, or highly-ranking military men. The Emperor hunts served as a tool for forging a sense of national unity, for consolidating his dominance over the region, and as a channel for ideas to be spread from the center to the region.

With regard to the 1955 revised constitution, it significantly strengthened the Emperor's powers. The new constitution went into great detail to clarify the vague articles relating to the Emperor's powers and prerogatives. The constitution was, in theory, the only law that was supreme and applied to everyone, including the emperor. It even anticipated an independent ministerial cabinet answerable to the monarch and parliament, an elected chamber, and an independent judiciary. However, these liberal provisions were over shadowed by executive prerogatives reserved for the Emperor, who utilized them to the fullest extent possible (Adejumobi, 2009).

There was little alteration made to the Emperor's position despite the seeming inclusion of the idea of the separation of powers. He oversaw the judiciary through his Zulfan Chilot while serving as both the head of state and the administration (Crown Court). The introduction of the representative system for the chamber of deputies, whose members were chosen *via* universal adult suffrage, was one of the fundamental changes made to the updated constitution compared to its predecessor. However, the ministers continued to answer to the Emperor and parliament was given no authority over them. Under the imperial system, the king held complete power and the parliament had no power to make political or economic decisions (Ahmed, 2011). Under the rule of Emperor Haile Selassie, the people generally had not upheld the right to self-government (Cohen, 1991). I now proceed to the second constitution in Ethiopia by president Mengistu Hailemariam.

As a result, in 1974-1975, the military administration assumed political control following the fall of the Imperial Government. The 1987 constitution followed, featuring socialist and revolutionary ideologies. The Shengo parliament and the Council of State or the executive were constituted by the constitution of 1987 (Selassie, 2010). Judges were also appointed as the third branch of government, although the council of state had the power to interpret the constitution. Similar to the Emperor Regime, the power under the Military government (Derg) concentrated in the hands of a single person-the president (Creswell, 1998).

The Ethiopian people fought for more than a century to ensure that they have the right to self-administration through a representative. To address the issue of democracy and human rights, many political organizations organized themselves along ethnic lines in

the 1960's. The alliance of four political parties assumed political power at the end of 1991, establishing a transitional administration that facilitated the establishment of an inclusive administration that guaranteed the right to self-governance through their representative (Fiseha, 2015). Accordingly, Ethiopia obtained new constitution in 1994, declaring the country a federal democratic republic with federal state structure. The newly inaugurated parliamentary democracy provided for the establishment of various democratic institutions including the parliament, though their performances have been proved ineffective and weak.

The 1995 constitution featured the separation of powers idea, just like other democratic constitutions (Gudina, 2003). According to this notion, the constitution establishes the legal power of each government entity. The FDRE constitution specifically mentions the separation of powers in the Ethiopian setting. However, as has been noted for some time now, these institutions are alleged to have practically failed to fulfill the constitutionally guaranteed powers set forth in FDRE constitution article 55(16): When state authorities are unable to prevent abuses of human rights within their jurisdiction, it shall, on its own initiative, request a joint session of the house of the federation and the house of people's representatives to take appropriate steps.

More precisely, the prime minister is one of the members of the executive organs, and the parliament has the authority to remove them from office if they do to carry out their duties as required by the constitution. However, under the EPRDF, the Ethiopian parliament has never upheld its constitutional obligations (Gudina, 2015). In order to assess the role of parliament in strengthening democracy under the FDRE constitution, it is necessary to consider how they exercised the authority granted to them by the constitution. The report thus aimed to respond to two fundamental research problems. What are the difficulties in strengthening the Ethiopian parliament, to begin with? What are the mechanisms that support the Ethiopian parliament's strengthening? The study used a qualitative research approach and a descriptive research design to accomplish the aforementioned goals. The required information was acquired from various pertinent documents and extensively examined.

## LITERATURE REVIEW

### Legal Perspectives Consideration

Basically according to the FDRE constitution there are, two houses make up Ethiopia's parliament. These are representatives from the house of federation and the house of people. As a result, this essay focuses solely on the House of People's Representative (HPR). By focusing on the three (making law, representing, and overseeing) responsibilities of the House of People Representative, the paper attempted to examine what

are the factors that challenge the strength of the parliament of Ethiopia and by what mechanism strength or make the parliament of Ethiopia based on the International and National (Ethiopian) legal perspectives (HPR). In particular, it conducts analysis in accordance with Articles 50(3) of the FDRE constitution, which declares the House of People Representative (HPR) to be the highest authority of the FDRE Government, and 54(4), which describes how the parliament ought to function.

Moreover, this article states that the constitution, the people's will, and their conscience control the House of People Representative (HOPR). The right to enact legislation is granted by Article 55(2), while the right to oversee the power of the executive branch is granted by Article 55(18). The house of peoples' representatives shall be elected by the People for a term of five years on the basis of universal suffrage and through direct, free, and fair elections conducted by secret ballot (Kahsay, 2013), as stated in Article 54(1)(2)(3). According to Article 55(16) of the FDRE constitution, the parliament has the authority to uphold the democratic and human rights of its citizens and to direct the executive branches of government. The right to self-administration through a representative is likewise recognized under international law. In accordance with these laws, the Universal Declaration of Human Rights (UDHR) of 1948 recognizes that everyone has the right to actively participate in the governance of their nation through duly elected representatives. Consequently, this essay discusses the research's goals in light of the aforementioned clause of the FDRE constitution. I now proceed to the specific power and function of the FDRE constitution.

### The Power and Function of Ethiopian Parliament

Any democratic society's central institution is the parliament. To express and interpret their wants and aspirations into national policy and decision-making, citizens elect their representatives to the parliament. While free and fair elections are regarded as the pinnacle of democracy, what takes on in between elections—specifically, elected officials' contributions to the creation of just and sustainable policy is crucial for upholding the fundamental principles of a democracy. The three primary duties that parliaments perform have historically determined how important they are: The FDRE constitution grants the House of People Representatives these three powers (HPR). In light of this, the HPR has the authority to oversee the legislative, executive, and judicial branches of government (Figure 1).



**Figure 1:** The three primary duties that parliaments.

### The FDRE Constitution Guaranteed the over Mentioned Responsibility to the House of People Representative

**Representation:** All sovereign power resides in the nations, nationalities and peoples of Ethiopia. Their sovereignty shall be expressed through their representative elected in accordance with this constitution through their direct democratic participation.

One of the three fundamental roles of parliaments in contemporary democracies is representation. According to John Bosely's definition, a parliament is an institution where people can continue to express their belief that their elected representatives serve as a vital conduit between the people and the federal government. Edmund Burke, a different scholar, argued that representation is the process by which a small number of them exercise political power and influence that the entire citizenry or a part of it may have upon governmental action, with their express or implied approval, with a binding effect upon the whole community thus represented (Edmund, 1968). According to the FDRE constitution, the House of People Representative (HRP) spoke for the entire population.

**Oversight:** Members of parliament oversee and hold the executive branch accountable for its activities in a democratic society, and they work to have policies implemented. In Ethiopian context the FDRE constitution stated as:

It has the power to call and question the Prime Minister and other federal official and to investigate the executive's conduct and discharge of its responsibilities.

Furthermore, the House of People Representative (HRP) has the right to take significant measure on the executive organ.

**Making law:** In democratic societies, the parliament also has the power to introduce bills and to amend or reject

those that the government has produced. The FDRE constitution provides the right to making law for House of People Representative (HRP). Accordingly the FDRE constitution under article 55(2) stated as:

Consistent with the provision of sub-article 1 of this article, the house of peoples' representatives shall enact specific laws on different matters.

The parliament when making law, that law should be reflecting and bringing the needs, aspiration, problems, concerns, and priorities of the represented people (Lyon et al. 2010).

However, to the contrary, the Ethiopian parliament had been enacted different proclamations that violate the democratic and human rights of the Ethiopian People. These prominent proclamations include: Are anti-terrorism (2009), media (2008), political parties (2008), and the civil society organization (2009 the anti-terrorism proclamation of Ethiopia a far-reaching effects on the human and democratic right such as freedom of expression and demonstration (Randall et al. 2002). The Human Right Watch also appeal Ethiopian government in contrary to the FDRE constitution and International law passed antiterrorism law to limit independent media, International and law journalist. Similarly, the aims of anti-terrorism law serve to close the political space of the country after the 1997 National election.

The PM Abiy Amhed recognized the Ethiopian government has been violating human and democratic right for more than 20 years ago as well as he has recognized the government action as terrorism.

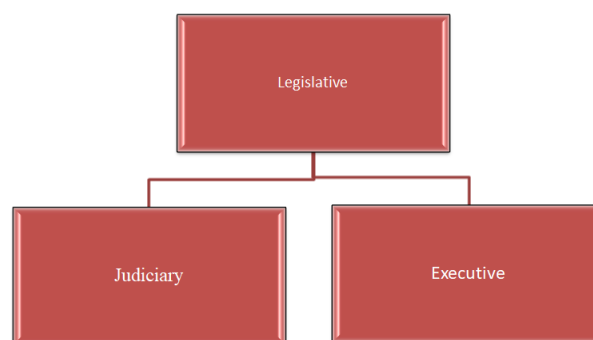
The anti-terrorism law helps to intimidate, and prison opposition political parties as well as exclude opposition political parties from political participation. Based on this the prominent opposition political parties specifically the Oromo Liberation Front (OLF), the Ginbot-7, and the Ogedan National Liberation Front (ONLF) were listed under terrorist groups. Lastly, with the coming to power of the new Prime Minister Abiy Ahmed, the former anti-terrorism proclamation has been partially repealed and replaced by the newly amended anti-terrorism law which was adopted on January 2, 2019. Until the current transition government of Ethiopia, the minister of council, including the then PM, did not claim about the downside of the anti-terrorism, civil society organization, political parties and media laws.

However, practically speaking, these powers have been rarely realized or were far from being put into practice by the parliament due to a range of factors that are mentioned under the part of challenges to strengthening the Ethiopian parliament below. Challenge of the parliament is one of the major focus of this study. Some of the major challenges are precisely presented as follow:

**Challenge of Ethiopian parliament:** In history of the world in general and Ethiopia in particular the

parliaments serve important functions in a country's political system and can advance democracy and good governance in many ways. Some of their fundamental responsibilities include representing the needs and desires of citizens and groups, reflecting and bringing their needs, aspirations, identifying problems, and developing policies to address them, as well as supervising the implementation of policies to ensure that they are implemented legally, effectively, and in accordance with the intent of the parliament. According to the FDRE constitution, the Ethiopian parliament's three basic functions are making laws, providing supervision, and representing the people. The Ethiopian parliament, on the other hand, has not properly used its political power. For that reason challenges of the parliament is one of the major focs of this study. Some of the major challenges are precisely presented as follow:

**Supremacy of executive:** The foundation of democracy in a democratic government is the separation of powers. The second fundamental characteristic of parliamentary democracies is the relationship between the executive and the supreme national parliament. The executive is descended from and constitutionally answerable to the parliament. The Ethiopian constitution explicitly states that the executive is accountable to and derives its authority from the parliament. The House of People Representative was likewise given the highest level of political authority under the FDRE constitution (HPR) (Figure 2).



**Figure 2:** The HPR is the supreme body in that the executive and judicial branches of the government.

The HPR is the supreme body in that the executive and judicial branches of the government must uphold and implement the laws and other legislation it adopts. The supremacy of the constitution is discussed in Article 9(1) of the constitution, for example, and the constitution itself was one of the laws passed by the parliament. Additionally, the FDRE constitution guaranteed that the House of People Representative would have the power to oversee the executive branches (HPR). On the other hand, the FDRE constitution does not allow the Ethiopian parliament to exercise its legal jurisdiction. According to Assefa, the executive organ has controlled the Ethiopian parliament. Another scholar named Merera argued that in the constitution it has been plainly stipulated that there



should be application of balance of power between the three wings (organs) of the government but in this country we have got what is called a party fused executive system (executives are ruling party affiliates). Party and the state are not clearly separated. Because of that the executive is dominated by the party which in turn dominates the legislature. The executive through the so called majority seat in the parliament always legislates whatever it wants. So, the domination of the executive over legislator is clearly observable in the Ethiopian political system if one has to speak one's wits clearly (Merera, 2013). However, since mid-2018, after the political transition, the independence of Ethiopian parliament is more modified.

## DISCUSSION

### Party Centralism

As a result of regular and competitive elections, parliament serves as a mirror of the public's will (Princeton University Press, 2006). Any members of the house of people representative are, in accordance with the FDRE constitution, bound by the constitution, the will of the people, and their conscience. According to Tesfaye, the main structural obstacles to representation, such as the union of the state, party, and government, are creating problems. According to Assefa, the Ethiopian parliament was ineffective and subject to party rules. According to Lyon the nature of political parties are shaped by their origin. The origin and nature of parties determine the strength and performance of democratic institution including parliament. When the origin of political parties the United Kingdom Philosopher Kant argued that changing dictatorial government by non-violent struggle is replacing new dictatorial government with cosmetic politics.

The political parties that originated from guerilla fighter until consolidate their own political power ratified new constitution and establish democratic institution such as independent judiciary, parliament, national electoral board, human right commission, ombudsman and independent national defence force. However, all of the above democratic institution they run the interest of ruling party rather than protect constitution. The EPRDF after took political power in 1991, then 1995 established parliament. However, for 27 years Ethiopian parliament had been dominated parliament through party discipline. According to them the members of parliament were accountable to the party in the contrary of the FDRE constitution. In addition, Meheret argued that under the rule of Ethiopian People Democratic Front (EPRDF) parliament were weak and subordinated to the executive or suppressed by autocratic personal rule. However, since mid-2018 the country has been ruled by Prime Minister Abiy Amhed (PhD) has launched unprecedented measure to reform democratic institution including parliament. The former members of Ethiopian parliament

argued that after Prime Minister Abiy Amhed came to political power the independence of Ethiopian parliament respected by the ruling party; the party intervention is somehow limited.

### Ethiopian Political History

Ethiopian political history have been controversial along with elites, and political parties. The controversiality of history of one country comedown under catastrophe of the democratic institution. Having divergence of position on Ethiopian political history have been influence state building. Because of complete state building it is become hinder to build independent democratic institution in Ethiopia including parliament. In a democratic society, the people ensured the right to self-administration through their representatives. Overall, the representative stands for the whole society or represents the whole group of people living in a given territory. The FDRE constitution to ensure this standard. FDRE stated as "Member of the house are representative of the Ethiopian people as a whole. They are governed by the constitution, the will of the people and their conscience".

In the contrary of FDRE constitution the Ethiopian parliament has been reflect the question and aspiration of only the people came from. According to Shimelis, political polarization among political parties is the main challenges to establish democratic institution like parliament in Ethiopia. Political polarization affects the function of democratic institution and overall political system. Thus, in the contemporary Ethiopian politics, political polarizations amongst political parties has its own influence for the proper functioning of the parliamentary system.

### Lack of Individual Accountability

Ethiopian parliament arias do not have a lot of influence in politics individually. The fact that members of parliament are not allowed to write as individual office holders and address institutions in formal letters is a reflection of this. Individual accountability follows from the individual presentations, which is both absent in Ethiopian politics. Parliamentarians frequently travel to their constituents' districts as a symbol of their loyalty to their party rather than to the general populace. Article 55 of the FDRE constitution declared that members of parliament were personally responsible to the electorate. In Ethiopia during the election campaign candidates promised unrealistic and unachievable thing to get cheap popularity. The opposition political parties always have the same promise and criticizing ruling party rather than collected constructive argument that help to build to established democratic instit.

## CONCLUSION

This paper focused on strengthening Ethiopian parliament while pinpointing outstanding challenges and

the prospects to improve the performance of the parliament. Accordingly, this study gave insight that Ethiopian parliament have overlooked its constitutional duties and responsibilities that is given by the FDRE constitution like overseeing, representation and legislation. Furthermore, along with FDRE constitution the parliament member are expected to be governed by the will of the people, constitution and their consciences. Conversely, the Ethiopian parliament member had been governed by the EPRDF party discipline rather than governed by the constitution, the will of the people and their conscious. The major challenges that had been hindered for the function of parliament according to FDRE constitution were dominance of executive organ, dominance of ruling party, political history of the country were essential challenges. The study should also include the existing prospects to improve the performance of the parliament. Therefore, legislation is required to alter the dynamic between the executive and the parliament as well as the party and the legislative body. A careful selection of candidates is required, which means choosing them based on their merits rather than party loyalty, in order to empower the members of the Ethiopian parliament. It is also advised that the state's organs, particularly the executive, refrain from frequently violating its constitutional rights. Most importantly, the ongoing institutional reforms would bring paramount contribution to strengthen Ethiopia parliament if properly executed.

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